

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Perrion Nichting

Defendant(s)

Case No.

22 MJ 252

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 2021 - April 28, 2022 in the county of Hamilton in the Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. 846

Conspiracy to Possess with Intent to Distribute a Controlled Substance;

21 U.S.C. 841(a)(1)

Possession with Intent to Distribute a Controlled Substance.

This criminal complaint is based on these facts:

See Affidavit

☒ Continued on the attached sheet.

Complainant's signature

TFO Shawn Cox, DEA

Printed name and title

Sworn to before me and signed in my presence.

Date:

4.28.2022

Judge's signature

City and state:

Cincinnati, Ohio

Hon. J. Gregory Wehrman

Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

1. On October 12, 2021, Deputies from the Brown County Sheriff's Office and Agent (Agt.) Dearing with the Brown County Narcotics Unit responded to 11491 Smokey Row Road, Georgetown, Ohio, 45121 for a subject that was possibly overdosing on drugs. Upon arrival, members of the Hammersville EMS were attempting life saving measures on the subject however; the subject was unable to be revived and was pronounced dead at the scene.
2. Agt. Dearing conducted an interview with a witness, hereinafter will be referred to as SOI 1 at the scene. SOI 1 said that the decedent called him/her earlier in the day and said he was going to see "Chris". SOI 1 explained that "Chris" was the decedent's source of supply (SOS) for both methamphetamine and fentanyl and that "Chris" would typically meet them on Eastern Ave. in Cincinnati OH. SOI 1 went on to say s/he has been with the decedent several times when s/he bought drugs from "Chris" and said that "Chris's" phone number was 513-614-9121. SOI 1 said that "Chris" drives a black car and that the vehicle had spinning type wheels on the vehicle that made it stand out. SOI 1 went on to say the vehicle is usually parked on Eastern Ave. close to the "Old Jones Store".
3. On the same day Agt. Dearing contacted me and provided me with the information he received from SOI 1.
4. On October 15, 2021, I located and obtained a photograph of a black 2011 Chrysler 200 equipped with after market spinning style wheels with an Ohio registration of JCX 8510 parked in front of 4275 Eastern Ave.
5. I contacted Agt. Dearing and advised him that I located a vehicle matching the description that SOI 1 provided. Agt. Dearing showed the picture of the vehicle to SOI 1 and SOI 1 said s/he thought that was the vehicle that "Chris" drives.
6. The Montgomery County Coroner's Office later confirmed that the decedent's cause of death was a fentanyl overdose.
7. On March 2, 2022 at approximately 2:52 p.m., Police Officer (PO) Feldman with the Highland Heights Police Department (HHPD) initiated a traffic stop on IR275 at the US27 overpass for various equipment violations in Kentucky. PO Feldman approached the vehicle and made contact with the driver and the passenger, hereinafter referred to as (SOI 2) of the vehicle. PO Feldman observed a digital scale in the handle of the passenger's door. PO Feldman knows through training, experience and knowledge that digital scales are often used by drug users and dealers to weigh drugs.
8. Both individuals were asked to step out of the vehicle and an investigation into possible drug trafficking/possession ensued. As part of the investigation, the driver of the vehicle

was asked for consent to search the motor vehicle. The driver gave verbal consent to a search of the vehicle.

9. A search of the vehicle was conducted and several items consistent with IV drug use; such as syringes and Q-Tips with the cotton pulled off the top were located. A search of the driver and SOI 2 were conducted. SOI 2 was found to be in possession of three individual baggies of suspected drugs. SOI 2 was taken into custody and later interviewed by Drug Enforcement Administration (DEA) Task Force Officer (TFO) Jansen. SOI 2 was advised of his/her rights and agreed to be interviewed without a lawyer present.
10. During the post Miranda interview, SOI 2 told TFO Jansen that the drugs found were methamphetamine and fentanyl. SOI 2 indicated he/she met a white male earlier in the day that he/she knew as, Dawayne Kestler. SOI 2 advised they met earlier in the day and were fronted the methamphetamine and fentanyl that were located by HHPD Officers. SOI 2 advised he/she utilizes Facebook Messenger profile "Dawayne Kestler" and also identified cellular phone number, 513-614-9121 to contact and communicate with Kestler. SOI 2 advised Kestler obtains large quantities of methamphetamine. SOI 2 indicated Kestler's dad's name was "Dave Kestler" and knew him to be from Eastern Avenue, Cincinnati, Ohio.
11. Pursuant to an authorized State of Kentucky Search Warrant granted by the Honorable District Court Judge Cameron Blau, a review of cellular phone downloads was conducted for three (3) cellular devices recovered during SOI 2's arrest. TFO Jansen observed a photograph sent on February 25, 2022 to a device of SOI 2's by 513-614-9121, saved as "K Dewayne". Based upon TFO Jansen's experience and training, the photograph appeared to be pre-packaged drugs.
12. TFO Jansen utilized office resources and located a Dave Kestler that had a prior address on Eastern Avenue. TFO Jansen discovered that Dave Kestler had a relative, possibly a son identified as Christopher KESTLER. TFO Jansen obtained a photograph of Christopher KESTLER through a database in Kentucky. TFO Jansen compared the photographs from "Dawayne Kestler's" Facebook profile to the photograph obtained from the Kentucky data base and confirmed that "Dawayne Kester" was Christopher KESTLER.
13. TFO Jansen queried phone number 513-614-9121 through a DEA database and discovered that I entered the same number into the DEA database in October 2021.
14. On March 7, 2022, I requested that Agt. Dearing contact SOI 1 in an attempt to identify "Chris". Agt. Dearing showed SOI 1 a Facebook picture under the profile name of "Dawayne Kestler." SOI 1 confirmed the Facebook picture to be the person s/he knows as the "Chris" s/he and the decedent have previously met to purchase drugs from on Riverside Drive.

15. On March 11, 2022, I presented an affidavit in support of a search warrant to obtain phone pings for phone number 513-614-9121 to the Honorable Hamilton County Common Pleas Court Judge Goering. Judge Goering reviewed the affidavit and signed a search warrant authorizing Verizon to provide phone pings on phone number 513-614-9121.
16. On March 15, 2022, Verizon began sending the requested information.
17. On March 16, 2022, agents with the Heroin Coalition Task Force (HCTF) and DEA Agents used the data from a phone ping on KESTLER's phone and located the 2011 Chrysler 200 bearing Ohio registration JCX8510 that KESTLER was believed to be using, in the parking lot of the Red Carpet Inn at 8590 Colerain Ave, Cincinnati, Ohio 45251. At approximately 3:50 p.m. Agents observed KESTLER exit a room on the ground floor and enter the vehicle. An unknown white male also exited with KESTLER and got into the passenger side of the Chrysler 200. Agents followed the vehicle for a short time and believe that KESTLER met another vehicle on a side street off Hamilton Ave. Surveillance was terminated shortly after.
18. On March 17, 2022, at approximately 2:45pm, Agt. Dearing along with TFO's Herrmann and I met with a Brown County Confidential Source (CS) with the intent of making a controlled purchase of crystal methamphetamine and fentanyl from KESTLER. The CS had previously exchanged text messages with KESTLER who agreed to sell drugs to the CS.
19. At approximately 2:55pm at the direction of Agt. Dearing and I the CS placed two (2) recorded calls to KESTLER at 513-614-9121. Both calls went unanswered so the CS was instructed to send a text message to KESTLER which also was unanswered.
20. At approximately 3:34pm, KESTLER called the CS back and said that he was good to meet. The CS told KESTLER that s/he wanted an ounce of methamphetamine and 3.5 grams of fentanyl. KESTLER told the CS that the fentanyl he had was not any good and did not want to sell it to him/her. The CS then asked for two zips, commonly known as two ounces, of crystal methamphetamine. KESTLER agreed to sell the CS the two ounces of methamphetamine for \$500.00 and directed the CS to the parking lot of Cincy Seafood located at 8405 Colerain Ave. Cincinnati, Ohio 45239. The information was relayed to other HCTF and DEA Agents who set up surveillance in the area of the meet location and the Red Carpet Inn. KESTLER's vehicle was observed parked on the north side of the lot where it was found the day prior.
21. The CS was then searched for any contraband and/or unauthorized funds with none being found. Agt. Dearing provided the CS with \$500.00 of pre-recorded Brown County confidential funds (CF). Agt. Dearing, acting in an undercover capacity, drove the CS to the meet location followed by TFO Herrmann.

22. At approximately 4:00pm, KESTLER and the same unknown white male that was with him the day prior, exited the lot of the Red Carpet Inn driving the 2011 Chrysler 200 bearing Ohio registration JCX8510. Surveillance was maintained on the vehicle which ended up driving to the McDonald's next to the predetermined meet location.
23. At approximately 4:18pm, the UC and CS arrived at the meet location. Surveillance units observed the unknown white male exit KESTLER's vehicle and walk towards the location of the UC's vehicle. The unknown male entered the rear passenger's seat of the UC's vehicle and completed the transaction. Once inside of the vehicle, the unknown male gave the CS a plastic baggie of what appeared to be methamphetamines and the CS gave the unknown male \$500.00.
24. The unknown white male then returned to KESTLER's vehicle and they were followed back to the Red Carpet Inn. TFO Herrmann followed the UC and the CS from the deal to a predetermined location. The CS was debriefed and again searched for contraband and/or unauthorized funds with none being found. TFO Herrmann took possession of the purchased crystal methamphetamine and transported it to the HCTF Office Property Room. The suspected methamphetamine was later sent to the Hamilton County Coroner's Office for drug identification.
25. On March 18, 2022, I sent a picture of the unknown male that sold drugs to the UC to Police Officer (PO) Butler with the Cincinnati Police Department District Two Violent Crimes Squad. PO Butler said he showed the picture to PO Bedinghaus who routinely patrols Eastern Ave. and is familiar with area. PO Bedinghaus identified the unknown male as Perrion NICHTING. After receiving this information I contacted the UC and the UC agreed that NICHTING was the subject that sold the drugs.
26. On March 21, 2022 TFO Cox presented an affidavit in support of a search warrant to install a global positioning unit (GPS) on the above mentioned 2011 Chrysler 200 to the Honorable Judge Triggs, Hamilton County Court of Common Pleas. After reviewing the affidavit, Judge Triggs signed the search warrant authorizing the installation of the GPS unit.
27. On March 24, 2022, TFO's with the HCTF and DEA successfully installed the GPS unit on the vehicle.
28. On the same day, at approximately 2:30pm, Agt. Dearing and I met with the CS with the intent of making a controlled purchase of crystal methamphetamine and fentanyl from KESTLER. The CS had previously exchanged text messages with KESTLER who agreed to sell drugs to the CS
29. At approximately 2:40pm at the direction of Agt. Dearing the CS sent a text message to KESTLER at 513-614-9121 asking to buy both methamphetamine and fentanyl.

KESTLER told the CS that they did not have any fentanyl at this time. KESTLER agreed to sell the CS six (6) ounces of methamphetamine for \$1,300.00. KESTLER instructed the CS to meet at Walmart located at 8451 Colerain Ave. Cincinnati, OH 45239. Surveillance units, assisting with the operation were instructed to set up around the Red Carpet Inn Motel where KESTLER's phone was pinging and where the GPS on the 2011 Chrysler was located.

30. The CS was then searched for any contraband and/or unauthorized funds with none being found. Agent Dearing and TFO Cox provided the CS with \$1,300.00 of pre-recorded Brown County and DEA CF's. Agt. Dearing, acting in an undercover capacity, drove the CS to the meet location followed by myself and Agt. Conley.
31. At approximately 3:21pm, surveillance units observed NICHTING pull out of the parking lot of the Red Carpet Inn driving the 2011 Chrysler 200.
32. At approximately 3:24pm, the UC and CS arrived at the meet location. Surveillance units observed the 2011 Chrysler 200 pull into the parking lot of the meet location. NICHTING exited the Chrysler and entered the rear passenger's seat of the UC's vehicle. Once inside of the vehicle, the UC counted out the money and gave it to NICHTING. NICHTING handed the UC a McDonald's bag that contained six (6) individual bags of methamphetamine. After the transaction, the UC asked NICHTING when he would have "slow". It should be noted that both drug dealers and users often refer to heroin and/or fentanyl as "slow". NICHTING said they should have some "slow" in soon.
33. At approximately 3:27pm, NICHTING exited the UC's vehicle, got back in the Chrysler and drove to McDonald's. At approximately 3:35pm, NICHTING was observed exiting the parking lot of McDonald's and driving back to the Red Carpet Inn.
34. At approximately 3:40pm, Agt. Kemper observed NICHTING pull into the parking lot of the Red Carpet Inn, exit the Chrysler and go into room 127. When NICHTING opened the door to the room, KESTLER was seen inside of the room at the door. At this point the surveillance was terminated.
35. TFO's, Jansen, Conley and I met the UC and the CS at a predetermined location for a debriefing. Agt. Dearing turned the McDonald's bag over to TFO Jansen. TFO Jansen followed by myself transported the evidence to the DEA office where it was weighed and processed accordingly. The total package weight of the six bags of methamphetamine was approximately 172 grams.
36. On March 25, 2022, at approximately 9:00am, TFO's discovered that the 2011 Chrysler 200 was located in the area of 205 or 203 Dale Hollow Dr. Georgetown, KY 40324. It should be noted that on KESTLER's arrest report from KY, his father, David KESTLER

is listed as a related person with an address of 203 Dale Hollow Dr. Georgetown, KY 40324.

37. At approximately 9:20am, the 2011 Chrysler began moving and was traveling north towards Ohio. At approximately 10:35am TFO Schlie observed the vehicle pull into the parking lot at 931 OH-28 Milford, OH 45150. TFO Schlie observed an older male white exit the vehicle but did not see exactly where he went.
38. TFO Schlie was shown a recent picture of David KESTLER from Facebook and believes the David KESTLER was the person driving the Chrysler 200.
39. At approximately 11:02am D. KESTLER was observed exiting the through the last front door on the east side of the multi complex unit and entering the Chrysler 200 and moving it to another parking spot. A second unknown male white was observed exiting through the same door and getting into a Maroon Chevy 2500 with an Ohio registration of PME 9845. After D. KESTLER parked the Chrysler he entered the passenger's side of the Maroon Chevy.
40. The Maroon Chevy exited the parking lot and was followed by surveillance units and was observed turning right onto Main St. in Goshen. Surveillance units lost sight of the vehicle at this time.
41. At approximately 1:58pm, the Maroon Chevy was observed pulling back into the parking lot of 931 OH-28. D. KESTLER was observed exiting the truck and placing an unknown large item in the Chrysler 200. D. KESTLER got into the driver's seat of the Chrysler and drove to Cherokee Dr. in Loveland, OH 45140. TFO Herrmann located the vehicle parked in front of 214 Cherokee Dr. Surveillance was terminated at this location at approximately 3:00pm.
42. At approximately 3:28pm electronic surveillance showed that the Chrysler 200 departed 214 Cherokee Dr. and drove to the Red Carpet Inn arriving at approximately 4:09pm. At approximately 4:37pm the vehicle departed the Red Carpet Inn and drove back to Cherokee Dr. arriving at approximately 5:14pm.
43. On March 26, 2022 at approximately 2:40pm, it was discovered that the phone pings on KESTLER's phone has stopped and data was no longer being received.
44. On March 28, 2022 TFO Jansen contacted Verizon and was informed that the phone number was disconnected on March 26.
45. Pursuant to an Administrative Subpoena response from T-Mobile, Agents learned KESTLER's phone was subscribed to Sara Coldiron of 1547 Main St Cincinnati, OH. Additionally, according to T-Mobile the start time was March 26, 2022. Based upon my experience, knowledge, and training I know it is common for drug traffickers and

members of drug trafficking organizations to use false, fictitious, and or register accounts in associates names to avoid law enforcement detection.

46. On the same day at approximately 9:25am, TFO Jansen was conducting physical surveillance at the Red Carpet Inn. TFO Jansen observed KESTLER exiting the parking lot driving a Blue Toyota 4-Runner with an Ohio registration of JKB 4056.
47. On the same day, Agt. Dearing contacted the CS to see if KESTLER contacted her/him. The CS confirmed that s/he had communication with KESTLER via text messages and phone calls and that KESTLER was still using phone number 513-614-9121.
48. On March 30, 2022 TFO Cox presented an affidavit in support of a search warrant to obtain phone pings on 513-614-9121 to the Honorable Judge Triggs, Hamilton County Court of Common Pleas. After reviewing the affidavit, Judge Triggs signed the search warrant authorizing T-Mobile to provide the requested information.
49. On March 31, 2022 the official crime laboratory report was completed by the HCCO from the buy walk on March 17, 2022. The substance was positively identified as methamphetamine.
50. On April 6, 2022, TFO Schlie and Cox were attempting to locate KESTLER based upon phone ping coordinates received from T-Mobile. At approximately 3:40pm, TFO Schlie observed KESTLER exit a barber shop at 1772 Lexington Ave. Cincinnati, OH 45212 and enter a black Toyota Tacoma with a Florida registration of GHYD95. TFO Schlie followed the vehicle to the area of Reading Rd. and Fred Shuttlesworth Cr. where he lost sight of the vehicle. The vehicle was later queried through a law enforcement data base which showed the vehicle was owned by EAN Enterprise.
51. On April 7, 2022 at approximately 7:10am, TFO's received electronic surveillance location data which placed KESTLER's phone pings in the Fairfax area. The Toyota Tacoma that KESTLER was driving the day before was located in the parking lot of Frisch's, 5760 Wooster Pk. Cincinnati, OH 45227.
52. At approximately 2:56pm, TFO Schlie observed KESTLER exit the front door of 5712 Grace Ave. #2 Cincinnati, OH 45227, which is located across the street from Frisch's. KESTLER walked out onto the front porch for a very short period of time before going back into the same location.
53. At approximately 3:16pm, TFO Schlie then observed NICHTING exit the front door of 5712 Grace Ave. #2 and enter the driver's side of the Toyota Tacoma. Surveillance units observed NICHTING pull out of the parking lot of Frisch's and drive to the Tusculum Market located at 338 Stanley Ave. Cincinnati, OH 45226, arriving at approximately 3:24pm. There, NICHTING was observed exiting the driver's side of the vehicle and

entering the market. At approximately 3:26pm, NICHTING was observed exiting the market and getting back in the driver's side of the vehicle. NICHTING was observed exiting the parking lot and was followed to Lebo's Bar & Grill, located at 5869 Kellogg Ave. Cincinnati, OH 45230.

54. At approximately 3:52pm, surveillance units observed the Toyota Tacoma exit the parking lot of Lebo's being operated by NICHTING. The vehicle was followed back to Frisch's parking lot. At approximately 4:09pm, TFO Schlie observed NICHTING exit the vehicle and walk across the street and enter the front door to 5712 Grace Ave. #2.
55. At approximately 4:27pm, TFO Jauregui observed both KESTLER and NICHTING exit the front door of 5712 Grace Ave #2 and enter the Toyota Tacoma and drive away. At this point the surveillance was terminated.
56. On April 12, 2022, at the direction of Agt. Dearing, the CS sent several text messages to KESTLER in an attempt to set up a controlled buy from KESTLER and NICHTING. According to the CS, KESTLER called him/her and said KESTLER said to call him tomorrow and he might have it.
57. Over the next few days, KESTLER and the CS exchanged several text messages about buying a pound of methamphetamine. After going back and fourth about price KESTLER said he would sell a pound of methamphetamine for \$3,700.00. The CS asked KESTLER if he would sell directly to Agt. Dearing (UC) who was posing as the CS's cousin. KESTLER agreed to sell directly to the UC and the CS gave KESTLER the UC's phone number.
58. On April 21, 2022, the UC received a phone call to a controlled law enforcement phone number that was monitored and recorded from KESTLER. KESTLER told the UC that he was able to meet tomorrow to do the deal.
59. On April 22, 2022, at approximately 9:35am, the UC received a phone call from 513-614-9121, the number that KESTLER has been using to sell drugs. KESTLER, who previously agreed to sell the UC a pound of methamphetamine in prior conversations for \$3,700.00 asked the UC if he could meet today. The UC told KESTLER that he was able to meet later in day and would call KESTLER back.
60. At approximately 10:06am, surveillance units who were already conducting surveillance at 5712 Grace Ave. #2 observed KESTLER and another unknown male white exit the front door of 5712 Grace Ave. #2. KESTLER and the unknown male entered a maroon Ford Ranger with an Ohio registration of HWH 1801 and drove away. Surveillance units followed the Ford Ranger which made several stops at various locations and ended up at 606 Cedarville Rd.in Goshen OH. Electronic surveillance (phone pings on KESTLER's phone) also confirmed to be consistent with the location of the Ford Ranger.

61. At approximately 11:30am, the UC conducted a controlled call to KESTLER at 513-614-9121. The UC told KESTLER that he could only come up with \$2,000.00. KESTLER told the UC that he would sell the UC eight (8) ounces for that price. KESTLER told the UC that it would be an hour to two hours before he could meet.
62. At approximately 1:19pm, the UC placed another controlled phone call to KESTLER. KESTLER told the UC to meet at Lebo's Bar and Grill, 5869 Kellogg Ave. Cincinnati, OH 45230.
63. At approximately 1:37pm, the UC arrived at Lebo's Bar and Grill.
64. At approximately 1:53pm, surveillance units observed KESTLER driving silver Nissan Sentra with an Ohio registration of JDF 5844 park in the Frisch's parking lot near 5712 Grace Ave. KESTLER was observed exiting the Nissan Sentra and walking into the front door of 5712 Grace Ave. #2.
65. At approximately 1:58pm, surveillance units observed KESTLER exit the front door of 5712 Grace Ave. #2 and get into to drivers seat of the 2020 Toyota Tacoma with a Florida registration of GHYD95 and drive away.
66. Surveillance units followed the Toyota Tacoma from 5712 Grace Ave. to the parking lot of Lebo's Bar and Grill arriving at approximately 2:10pm. KESTLER parked next to the UC's vehicle and exited the Toyota Tacoma. KESTLER entered the UC's vehicle and handed the UC a clear zip lock baggie that contained approximately 221 grams of methamphetamine. The UC gave KESTLER the pre-recorded \$2,000.00 confidential funds. After the deal took place, the UC asked KESTLER if he could come down on the price for a pound and KESTLER told the UC that next time he would sell a pound for \$3,200.00.
67. At approximately 2:12pm, KESTLER exited the UC's vehicle and got back in the driver's seat the Toyota Tacoma and drive away. Surveillance units followed KESTLER to for a short period but due to the manner in which KESTLER was driving in an erratic manner, surveillance was terminated in an effort to avoid law enforcement detection.

CONCLUSION

68. Based on evidence obtained as a result of this investigation, I believe that probable cause exists that beginning in or about October 2021, the exact dates being unknown, and continuing through April 28, 2022, the defendants, Christopher KESTLER and Perrion NICHTING, and others, in the Southern District of Ohio and elsewhere, knowingly and intentionally combined, conspired, confederated and agreed together and with each other, to commit the following offense(s) against the United States: conspiracy to possess and to possess with the intent to distribute 50 or more grams of a mixture and substance

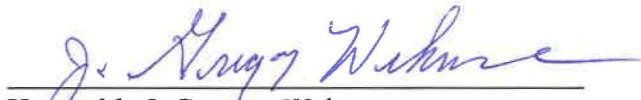
containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1).

Respectfully submitted,



Shawn Cox
Task Force Officer
Drug Enforcement Administration

Subscribed and sworn to before me on this 28 day of April, 2022.



Honorable J. Gregory Wehrman
United States Magistrate Judge